

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:13-CV-057-RLV-DCK**

ROY E. BILLINGS,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CAROLYN W. COLVIN,)	
Acting Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on “Plaintiff’s Second Motion For Attorney’s Fees And Costs” (Document No. 20) filed January 6, 2014. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and noting consent of Defendant’s counsel, the undersigned will grant the motion.

IT IS, THEREFORE, ORDERED that “Plaintiff’s Second Motion For Attorney’s Fees And Costs” (Document No. 20) is **GRANTED** under 28 U.S.C.A. § 2412, the Equal Access to Justice Act (“EAJA”). The Court orders as follows:

1. The Social Security Administration shall pay \$3,837.37 in attorney fees to Plaintiff, Roy E. Billings, in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the EAJA, 28 U.S.C. § 2412(d).

2. Plaintiff shall be paid \$350.00 (three hundred and fifty dollars and 00/100) in costs from the Judgment Fund by the United States Department of the Treasury pursuant to 28 U.S.C. § 2412(a)(1).
3. In accordance with Astrue v. Ratliff, 560 U.S. 586, (2010), the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel.

SO ORDERED.

Signed: January 7, 2014



David C. Keesler
United States Magistrate Judge
